



State of Delaware  
Department of Natural Resources  
and Environmental Control

FINAL DECISION AND RESPONSE TO COMMENTS  
FINAL REMEDY FOR

DuPont Experimental Station

WILMINGTON, DELAWARE

EPA ID NO. DED003930807

Prepared by  
Remediation Section  
Division of Waste and Hazardous Substances  
November 29, 2022

**PURPOSE:**

The Delaware Department of Natural Resources and Environmental Control (DNREC) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) selecting the Final Remedy for the DuPont Experimental Station Facility, located at 200 Powder Mill Road, Wilmington, Delaware (hereinafter referred to as the Facility). The Final Decision is issued pursuant to Delaware's Regulations Governing Hazardous Waste (Regulations). On May 11, 2022, DNREC issued a Statement of Basis (SB) in which it described the information gathered during environmental investigations at the Facility and proposed a Final Remedy for the Facility. DNREC received comments from DuPont which resulted in the issuance of a new Statement of Basis on October 12, 2022. The comments included updated risk documentation which resulted in significant changes made to corrective measures proposed in May 2022. Based on the assessment of all available information, DNREC's proposed Final Remedy consists of compliance with, and maintenance of, both land and groundwater use controls through an Environmental Covenant (EC) to control exposure to contaminated groundwater and soil.

**THE SITE:**

The Facility consists of approximately 125 acres, located between Route 141 and the banks of the Brandywine Creek, approximately four miles northwest of the city of Wilmington, Delaware in New Castle County (Figure 1).

The Facility is the corporate-wide central research and development facility for DuPont and has been actively used as a research facility for approximately 117 years. The site currently consists of mostly administrative office buildings, laboratories, and parking areas. Prior to this, the section of property area along the Brandywine Creek was used for gunpowder manufacturing by DuPont. In addition to the current research-related activities, DuPont previously operated a hazardous waste incinerator (Thermal Waste Treatment unit) that was equipped with air pollution control devices and several hazardous waste storage pads that were permitted by DNREC.

**SB JUSTIFICATION:**

The corrective measures proposed in the SB effectively limit exposures to human health and the environment. This remedy is justified based on the data obtained from the extensive site investigation, site hydrogeology, and human health and environmental risk assessments (RAs). It was determined that residual site contaminants posed no ongoing risk to human health or the environment.

**PUBLIC PARTICIPATION:**

On October 12, 2022, DNREC issued a public notice, opening the SB to public comment. This notice discussed DNREC's proposed Final Remedy, detailed in the SB, for the DuPont Experimental Station Lot 1 and the DuPont Experimental Station Creek Road

Contamination Area (CRCA). No comments specific to the SB were received. The SB was executed on November 29, 2022. The SB is hereby incorporated into this Final Decision by reference and made a part hereof as Attachment A. This FDRTC selects the remedy that DNREC evaluated under the SB. It is consistent with the public participation provisions under Delaware's Regulations and the federal Resource Conservation and Recovery Act (RCRA).

#### **FINAL DECISION REMEDY:**

DNREC's Final Remedy for the Facility consists of the following: To minimize any potential exposure, the proposed remedies identified in the Statement of Basis, excavation performed at sampling locations SB-01 and SB-13 and use restrictions in the form of an environmental covenant per the Uniform Environmental Covenant Act (UECA) for the CRCA, SB-03 (Soil Covenant Area 1), and SB-22 (Soil Covenant Area 2), meet the threshold criteria and remedy selection balancing criteria for evaluating corrective measures. The environmental covenant will establish areas where institutional controls will remain in place in perpetuity to protect human health and the environment and will transfer to any future owners as part of the deed record for the Facility. The environmental covenant must include the following activity and/or use restrictions:


- [a.] Use Restriction. Use of the "CRCA," "Soil Covenant Area 1," and "Soil Covenant Area 2" locations shall be restricted solely to those non-residential type uses permitted within commercial, manufacturing, or industrial districts respectively, as such district types and uses (including ancillary or accessory uses) are permitted pursuant to the corresponding zoning district classification of the New Castle County Code; Any change to the current site use must be pre-approved by DNREC.
- [b.] Interference with Remedy. There shall be no digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activity in the "CRCA," "Soil Covenant Area 1," and "Soil Covenant Area 2" locations at depths greater than 1 foot, including any repair, renovation or demolition of the existing structures on the Property, without the prior written approval of DNREC;
- [c.] Limitation of Groundwater Withdrawal. No groundwater wells shall be installed, and no groundwater shall be withdrawn from any well on the CRCA and Parking Lot 1 AOC locations without the prior written approval of DNREC's Remediation Section and DNREC's Division of Water;
- [d.] Submission of a Long-Term Stewardship (LTS) Plan for DNREC's Approval. The DNREC-approved LTS Plan will detail the requirements to be followed in order to monitor the ground surface to ensure that it is in good condition and has not been compromised due to erosion or wear.
- [e.] Submission of a Contaminated Materials Management Plan (CMMP) for DNREC's approval. The DNREC-approved CMMP will provide guidance to construction workers on how to safely manage and interact with any potentially contaminated media at the Site.
- [f.] Emergency Oversight. A person may undertake an emergency response action at these locations after initiation of a remedy without DNREC's oversight provided the

person notifies the DNREC of the details of the action taken, within 48 hours of the initiation of the emergency response action. This does not limit or relieve a person's liability under other existing federal or state laws or regulations for undertaking an emergency response at a location.

**DECLARATION:**

Based on the Administrative Record compiled for the corrective action at the DuPont Experimental Station Facility, it was determined that the remedy selected in this Final Decision and Response to Comments, which incorporates the October 12, 2022, Statement of Basis, is protective of human health and the environment.

Date: 11/29/2022

  
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Qazi Salahuddin  
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Attachment A: Statement of Basis (October 12, 2022)